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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/714,337 | 11/13/2003 | Keng-Lon Lei | JCLA9898 | 4089 |
| 23900 | 7590 | 07/07/2006 | EXAMINER | |
| J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618 | | | | HALEY, JOSEPH R |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2627 | |

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/714,337 | LEI, KENG-LON | |
| | Examiner | Art Unit | |
| | Joseph Haley | 2627 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 November 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation " a duty cycle specified in a specification of said optical pick-up head", which makes it unclear what the duty cycle of the pick-up is. Therefore there is no way of telling the exact limitation of this claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto.

In regard to claim 11, Matsumoto teaches setting said operational power parameter; causing said operational control signal to be the same as an operational control signal for an actual disk recording process; transferring said laser beams to a

signal, sampling and holding said signal to obtain a sample holding signal (fig. 2); obtaining said laser power based on said sample holding signal (see column 9 lines 20-27); and changing said operational power parameter and repeating the above steps to obtain another said laser power (see fig. 2 where Matsumoto teaches testing many laser powers).

In regard to claim 12, Matsumoto teaches applying a curve fit method to obtain a curve representing a relationship between said operational power parameter and said laser power based on said operational power parameters and said laser powers (column 9 lines 22-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2-10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (JP 62020153) in view of Matsumoto (US 7046600).

In regard to claim 1, Nishida teaches setting said operational control signal and said operational power parameter such that said optical pick-up head is not damaged by the operation range of said optical pick-up head (see abst) but does not teach measuring a sample holding value of said laser power generated by said optical pick-up head.

Matsumoto teaches measuring a sample holding value of said laser power generated by said optical pick-up head (see fig. 2).

The two are analogous art because they both deal with the same field of invention of recording onto an optical medium.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Nishida with the power control of Matsumoto. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Nishida with the power control of Matsumoto because it would allow for power control without damaging the recording film.

In regard to claim 2, Nishida teaches defocusing said optical pick-up head before measuring said ample holding value (see abst. where Nishida teaches defocusing before irradiating the disc to prevent damage).

In regard to claim 4, Nishida teaches said defocusing step is performed by changing the distance between said optical pick-up head and attested disk such that the focus of said optical pick-up head is not located on the tested disk (It is well known that a method to defocus a laser would be to move the lens).

In regard to claims 3, 5 and 6, these are considered obvious variants of the operation of claim 4.

In regard to claim 7, Matsumoto teaches changing said operational power parameter; and measuring a plurality of sample holding values of said laser power generated by said optical pick-up head in accordance with different said optional power parameters (fig. 2).

In regard to claim 8, Matsumoto teaches applying a curve fit method to obtain a curve representing a relationship between said operational power parameter and said laser power based on said measured sample holding values (fig. 2).

In regard to claim 9, Matsumoto teaches said operational control signal has a duty cycle less than a duty cycle specified in a specification of said optical pick-up head (it is inherent that a duty cycle less than the maximum specified duty cycle would be used to ensure the laser is not ruined).

In regard to claim 10, Matsumoto teaches said sample holding value is obtained by measuring said laser power via an output of a sample holding circuit (fig. 2).

In regard to claim 13, Nishida teaches defocusing said optical pickup head before transferring said laser beams (see abst.).

In regard to claims 14-17, see claims 3-6 rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

irb

jrh Joseph H. Allen


THANG V. TRAN
PRIMARY EXAMINER